

REMARKS/ARGUMENTS

Claims 1-8 and 10 are pending. The claims have not been amended.

Claims 1-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mutalik et al. (US Patent Pub. No. 2003/0005120 A1) in view of Fujiwara et al. (US Patent No. 6,557,073).

Claim 1 recites in part “performing a first process” which the examiner identified in Mutalik as operations shown in Fig. 5 and explained in paragraphs [0059] and [0066]. These paragraphs describe the idea of mirroring and mirrored disks (what Mutalik refers to as BCVs) during normal operations involving disk I/O. As best understood, then, the examiner identifies normal disk operations as the recited “first process.”

Claim 1 further recites in part “performing a second process in which the storage device suspends the first process” which the examiner identified in Mutalik as the backup operation (second process) shown in Fig. 11. This figure shows in step 902 shutting down an application on the target. Upon reviewing the description given in paragraph [0085], it appears Mutalik is silent on the source of the command that shuts down the application on the target. Mutalik therefore does not teach the recited “performing a second process in which the storage device suspends the first process.”

Claim 1 further recites in part “shifting from the second process to the first process to perform the first process.” The examiner cited Fig. 12 (steps 1002, 1004) and paragraph [0090] for teaching the recited “shifting from the second process to the first process.” However, Fig. 12 relates to “restoring source standard volumes,” either from a BCV (step 1004) or a tape drive (step 1006). Fig. 12 shows a recovery procedure. The recovery procedure is not a normal disk operation that is illustrated in Fig. 5 or as explained in paragraphs [0059] and [0060]; recovery processing is a process to recover from a crashed system. Fig. 12 therefore does not show the recited “shifting from the second process to the first process to perform the first process.”

Claim 1 further recites in part “when shifting from the second process to the first process to perform the first process, inquiring an information processing unit which can access the second logical volume, of whether said information processing unit mounts the second logical volume or not.” The examiner also cited Fig. 12 for teaching the recited “inquiring ... whether said information processing unit mounts the second logical volume or not,” citing in particular decision step 1002. However, it is argued in earnestness that the decision step 1002 is not a decision about whether a device is mounted; the decision step 1002 merely “poses an inquiry to determine if the restore is to be from the BCDs on the target or somewhere else,” nothing more. *Paragraph [0090]*. Mutalik is absolutely silent on the idea of deciding whether a BCV is mounted or not. Mutalik therefore does not teach the recited when shifting from the second process to the first process to perform the first process, inquiring an information processing unit which can access the second logical volume, of whether said information processing unit mounts the second logical volume or not.”

Fujiwara fails to show at least the foregoing recited limitations. Therefore, Fujiwara in combination with Mutalik do not render obvious pending claim 1.

Pending independent claims 2, 3, 5, 7, 8, and 10 recite similar limitations as in claim 1 and are believed to overcome the Section 103 rejection for at least the same reasons set forth above.

CONCLUSION

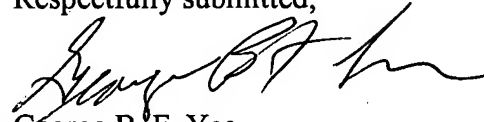
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

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Amdt. sent May 11, 2006
Amendment Submitted with Request for Continued
Examination

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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